

APPEAL NO. 022679  
FILED NOVEMBER 18, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 2, 2002. The hearing officer determined that although the appellant/cross-respondent (claimant) sustained an injury while in the course and scope of his employment on \_\_\_\_\_, and that due to the injuries sustained he was unable to obtain and retain employment at his preinjury wages from January 17 through April 9, 2002, he did not sustain a compensable injury and did not have disability because the respondent/cross-appellant (carrier) is relieved of liability under Section 409.002 because of the claimant's failure to timely notify his employer pursuant to Section 409.001 and no good cause exists for his failure to do so. The claimant appealed the determinations that he did not sustain a compensable injury, did not have disability, and did not timely notify his employer. The carrier responded, urging affirmance. The carrier appealed the determinations that the claimant sustained an injury in the course and scope of his employment and that due to the injury he was unable to obtain and retain employment at his preinjury wages from January 17 through April 9, 2002. The file does not contain a response from the claimant.

DECISION

Affirmed.

The issues in this case all involved factual determinations for the hearing officer to make, based upon the evidence presented at the CCH. The evidence supports the hearing officer's factual determinations. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust, and we do not find them to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **PACIFIC EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MARCUS MERRITT  
VICE PRESIDENT OF ACE USA  
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200  
IRVING, TEXAS 75063.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Veronica Lopez  
Appeals Judge